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Attorneys for Plaintiff  
MYSPACE, INC.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**MYSPACE, INC., a Delaware  
Corporation,**

**Plaintiff,**

VS.

SANFORD WALLACE D/B/A  
FREEVEGASCLUBS.COM, REAL-  
VEGAS-SINS.COM, and FEEBLE  
MINDED PRODUCTIONS, an  
individual; WALTER RINES, an  
individual; ONLINE TURBO  
MERCHANT, INC., a corporation;  
and ODYSSEUS MARKETING,  
INC., a corporation.

## Defendants.

CASE NO. CV-07-1929 ABC (AGRx)

**AMENDED ORDER GRANTING  
PLAINTIFF MYSPACE, INC.'S  
MOTION FOR DEFAULT  
JUDGMENTS AGAINST  
DEFENDANTS SANFORD  
WALLACE AND WALTER RINES**

**Filed concurrently with:**

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## Notice of Errata

Date: May 12, 2008

Time: 10:00 a.m.

Ctrm: 680

Judge: Hon. Audrey B. Collins

[PROPOSED] AMENDED ORDER GRANTING MYSPACE'S MOTION FOR DEFAULT JUDGMENTS AGAINST DEFENDANTS

1 Plaintiff MySpace, Inc.'s ("MySpace") Motion For Default Judgments Against  
2 Defendants Sanford Wallace And Walter Rines came before the Court on May 12, 208,  
3 in courtroom 680, the Honorable Audrey B. Collins presiding. Having reviewed the  
4 moving and opposing papers and supporting declarations filed with the Court, and having  
5 heard the arguments of counsel, IT IS HEREBY ORDERED AND ADJUDGED THAT:

6 Default judgments are entered against defendants Sanford Wallace and Walter  
7 Rines as follows:

8 A. [To be checked by the Court]

9 X Statutory damages in the amount of \$160,390,200 against Wallace and  
10 \$223,777,500 against Rines, for violations of the CAN-SPAM Act (\$160,390,200 in joint  
11 and several liability and an additional \$63,387,300 against Rines).

12 [OR]

13 \_\_\_\_ Liquidated damages in the amount of \$70,731,700 against Wallace and  
14 \$81,296,250 against Rines, for violations of MySpace's TOU Contract (\$81,296,250 in  
15 joint and several liability and an additional \$10,564,550 against Rines); plus punitive  
16 damages in the amount of \$25,000,000 for unfair competition.

17 B. Statutory damages in the amount of \$1,500,000 are awarded against  
18 defendants for violations of California's anti-phishing statute, Cal. Bus. & Prof. Code §  
19 22948.2.

20 C. Attorneys' fees awarded against defendants in an amount that equals to  
21 \$4,509,150, as calculated pursuant to the formula prescribed by Local Rule 55-3 (\$5,600  
22 plus 2% of the amount over \$100,000); plus costs of suit.

23 D. A permanent injunction against defendants, as follows:

24 The Court ENJOINS defendants Sanford Wallace and Walter Rines (collectively  
25 "defendants") and their agents, servants, employees, representatives, and all other  
26 persons or entities acting on defendants' behalf or in concert or participation with  
27 defendants, from:

(1) accessing or using the MySpace.com website, MySpace Internet messaging service and/or any other services offered by or through MySpace (the “MySpace Service”) to directly or indirectly send or transmit any electronic communications, emails or instant messages to any MySpace user or MySpace account or to post comments or bulletins;

(2) establishing or maintaining MySpace profiles or accounts;

(3) using the MySpace Service for a commercial purpose;

(4) referring to MySpace in connection with any unsolicited commercial electronic communication, email or instant message, in any way that falsely or fraudulently suggests that such message was approved by, generated by, or is in any way affiliated with MySpace;

(5) using any MySpace logo or using any graphic, interface, or other presentation that approximates or resembles the MySpace.com log-in page to mislead users into believing that they are logging onto their MySpace.com accounts rather than providing defendants with their username and password;

(6) inducing a MySpace user to provide MySpace identifying information, including MySpace account information such as a username and/or password, without first informing the user the defendants are not affiliated with or sanctioned by MySpace and without obtaining fully informed, knowing, and voluntary consent through a separate affirmative step by the user;

(7) using any automated scripts, bots, or other executable programs in connection with any MySpace account or the MySpace Service or providing such programs to third parties for use on the MySpace Service; and

1 (8) encouraging, facilitating, enabling or inducing any person or entity to do any of  
2 the above.

3  
4 *Audrey B. Collins*

5 DATED: May 29, 2008

6 By: \_\_\_\_\_  
7 Honorable Audrey B. Collins  
United States District Judge

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9 Submitted by:

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12 GREENBERG TRAURIG LLP

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14 By \_\_\_\_\_  
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17 Lori Chang

18 Attorneys for Plaintiff  
19 MYSPACE, INC.

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